



CITY OF  
**MONASH**

**MINUTES OF THE MEETING OF**

**COUNCIL**

**HELD ON 27 JUNE 2023**

**at 7.02 pm**

**Council Chambers  
293 Springvale Road,  
Glen Waverley**

---

**MINUTES OF THE MEETING OF THE MONASH CITY COUNCIL  
HELD IN THE COUNCIL CHAMBERS, SPRINGVALE ROAD GLEN WAVERLEY  
ON 27 JUNE 2023 AT 7.02 PM.**

**MAYOR'S STATEMENT**

The Mayor reflected on the contribution of Simon Crean, former Labor Leader who passed away suddenly while overseas. Condolences to his wife Carole and family, his friends and his colleagues. A minute of silence was observed.

**PRESENT:**

Councillors: T Samardzija (Mayor), N Luo (Deputy Mayor), J Fergeus, B Little, G Lake, P Klisaris, R Paterson, S McCluskey, S James, T Zographos

**APOLOGIES**

Cr A de Silva

**DISCLOSURES OF INTEREST**

Nil.

**CONFIRMATION OF MINUTES OF THE COUNCIL MEETINGS HELD ON 30 MAY 2023**

Moved: Cr Little

Seconded: Cr McCluskey

*That the minutes of the Meeting of the Council held on 30 May 2023 be taken as read and confirmed.*

**CARRIED**

**RECEPTION AND READING OF PETITIONS, JOINT LETTERS & MEMORIALS**

Nil.

**PUBLIC QUESTION TIME**

The Mayor advised that fifteen (15) public questions had been received.

---

**OFFICERS' REPORTS**

**1. CITY DEVELOPMENT**

**1.1 TOWN PLANNING SCHEDULES**

Moved Cr McCluskey                      Seconded Cr Little

*That the report containing the Town Planning Schedules be noted.*

**CARRIED**

**1.2 31-33 HIGH STREET ROAD, ASHWOOD - USE AND DEVELOPMENT OF LAND FOR THE PURPOSE OF A FOUR STOREY MEDICAL CENTRE, DISPLAY OF SIGNAGE, REMOVAL OF VEGETATION AND ALTERATION OF ACCESS TO A TRANSPORT ZONE SCHEDULE 2 (TPA/54467)**

Moved Cr McCluskey                      Seconded Cr Fergeus

*That Council resolves to issue a Notice of Decision to Refuse to Grant a Planning Permit (TPA/54467) for the use and development of the land for a four storey medical centre, display of internally illuminated and floodlit business identification signage, alteration of access to a road in a Transport Zone 2 and removal of 2 trees within a Vegetation Protection Overlay at 31-33 High Street Road, Ashwood subject to the following grounds:*

- 1. The built form, scale and setbacks of the proposal and overall impact on character are not consistent with the Non-Residential Use and Development in Residential Areas Policy at Clause 22.09.*
- 2. The proposed removal of mature trees and inability to satisfactorily plant new canopy trees with spreading crowns is not consistent with the Tree Conservation Policy at Clause 22.05.*
- 3. The proposal does not take into account the preferred future character statement for the Garden City Northern Areas consistent with Residential Development and Character Policy at Clause 22.01.*
- 4. The proposed signage is obtrusive, cluttered and not respectful of neighbourhood character consistent with the Outdoor Advertising Policy at Clause 22.08 and Clause 52.05.*
- 5. The proposal is not consistent with the objectives of the General Residential Zone and Schedule 3 at Clause 32.08.*

6. *The proposed tree removal is not consistent with the objectives and decision guidelines of the Vegetation Protection Overlay at Clause 42.02.*
7. *The car parking and access arrangements are not satisfactory and inconsistent with the Car Parking Provisions at Clause 52.06.*
8. *The proposal will have a detrimental effect on the amenity of the area.*
9. *The proposal will result in unreasonable overlooking into the property at 7 Kennett Street.*
10. *The grant of a permit would authorise a development which would result in a breach of registered restrictive covenants 1923252 (AR019317V) and 1623360 (AQ922633G) contrary to Section 61(4) of the Planning and Environment Act 1987.*

**CARRIED**

**1.3 186-192 CLAYTON ROAD, CLAYTON - USE AND DEVELOPMENT OF A FIVE STOREY BUILDING FOR THE USE OF A MEDICAL CENTRE, FOOD AND DRINK PREMISES AND SHOP IN THE SPECIFIC CONTROL OVERLAY (SCO15), REDUCTION IN THE STANDARD CAR PARKING REQUIREMENT AND ALTERATION OF ACCESS TO A ROAD IN A TRANSPORT ZONE 2 (TPA/53513)**

Moved Cr Klisaris

Seconded Cr Luo

*That Council resolves to issue a Notice of Decision to Grant a Planning Permit (TPA/53513) for the use and development of a five-storey building for the use of a medical centre, food and drink premises and shop in the Special Control Overlay (SCO15), reduction in the standard car parking requirement and alteration of access to a road in a Transport Zone 2 at 186-192 Clayton Road, Clayton subject to the following conditions:*

***Amended Plans Required***

1. *Before the development starts, three copies of plans drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the Permit. The plans must be generally in accordance with the plans prepared by Hatz Architects dated March 2023 – Revision I and Landscape Plans prepared by 3 Acres Landscape Architects dated February 2023 – Revision F, but modified to show:*
  - a) *Location and mechanism of carparking ventilation system.*
  - b) *Details of the material of construction of the 1.7metre high privacy screen to the first-floor open carpark to provide a maximum of 25% transparency and provided with acoustic specifications to minimise noise.*

- 
- c) *A notation on the eastern elevation showing the brick and aluminium panels with a minimum dimension of 1.7metres from first floor level as shown on the floor plan.*
  - d) *Level 2 and 3 eastern facing windows with an outlook into the secluded private open space of 2 Whitburn Street and 2 Hourigan Avenue to be screened (maximum 25% transparency) to a minimum height of 1.7 metres above floor level.*
  - e) *Level 4 eastern facing windows with an outlook to the secluded private open space of 2 Whitburn Street and 2 Hourigan Avenue to be provided with a horizontal fin or equivalent to prevent downward viewing into adjoining SPOS.*
  - f) *Level 2, 3 and 4 south facing windows with an outlook to the secluded open space of 196 Clayton Road to be provided with a horizontal fin or equivalent to prevent downward viewing.*
  - g) *Any required fire services, electricity supply, gas and water meter boxes to be discreetly located and/or screened to complement the development. Any required services must be clearly detailed.*
  - h) *Trees to be retained numbered, and protective fencing shown surrounding all Council street-trees adjacent to the development and trees on adjoining properties within 3 metres of the boundary to be protected during the development in accordance with the Tree Management Plan required by Condition 9 of this Permit.*
  - i) *Retention of two lilly pillys along the southern boundary.*
  - j) *All car parking spaces adjacent to walls to be provided with a minimum 300mm clearance.*
  - k) *Car parking spaces numbered on the plans.*
  - l) *Details of all ramp grades to be shown.*
  - m) *Floor, elevation and section plans to provide finished floor levels.*
  - n) *Location of the vehicle security panel door to the carpark to be shown on the ground floor plan with a notation stating that the premises door is only to be closed out of operating hours on the ground floor and elevation plans.*
  - o) *Location of any plant equipment proposed and to be provided within a sound attenuation enclosure.*
  - p) *Location of easement on the landscaping plan.*
  - q) *A notation on the site plan requiring that all disused or redundant vehicle crossovers must be removed; and the area reinstated as required by the Department of Transport and Planning.*
  - r) *All excavation and footing details in accordance with the Engineering Report required by SRLA Condition 36.*
  - s) *A Landscape Plan in accordance with Condition 3 of the permit.*

- 
- t) *A Sustainable Management Plan in accordance with Condition 4 of the permit.*
  - u) *Any notations or revisions as required by the recommendations of the Acoustic report prepared in accordance with Condition 5 of the permit.*
  - v) *A Car Parking Management Plan in accordance with Condition 6 of the permit.*
  - w) *A Green Travel Plan in accordance with Condition 7 of the permit.*
  - x) *A Waste Management Plan in accordance with Condition 8 of the Permit.*
  - y) *A Tree Management Plan in accordance with Condition 9 of the permit.*
- All to the satisfaction of the Responsible Authority.*

**No Alteration or Changes**

2. *The development and use and the description of the use(s) as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*

**Landscape Plan**

3. *Before the commencement of buildings and works, a Landscape Plan prepared by a Landscape Architect or a suitably qualified or experienced landscape designer, drawn to scale and dimensioned must be submitted to and approved by the Responsible Authority prior to the commencement of any works. When approved, the plan will be endorsed and will then form part of the Permit. The plan must be generally in accordance with the Landscape Plan prepared by 3 Acres, Rev (f) dated 1 February 2023 however amended to show:*
  - a) *location of easement along the eastern boundary;*
  - b) *all trees to be planted outside of easement;*
  - c) *details of changes required by Condition 1 of this Permit including retention of two lilly pillys along the southern boundary; and*
  - d) *a revised plant schedule to provide the inclusion of native species in the street frontages of the site.*

*When approved the plan will be endorsed and will then form part of the permit.*

**Sustainable Design Assessment**

4. *Concurrent with the endorsement of plans requested pursuant to Condition 1, a Sustainable Management Plan must be submitted to and approved by the Responsible Authority. The plan must be generally in accordance with the Sustainability Management Plan prepared by Ecoresults Dated March 2023, except that the plan must be modified to show any changes required by Condition 1 of this planning permit.*

*Upon approval the Sustainable Design Assessment will be endorsed as part of the planning permit and the development must incorporate the sustainable design initiatives outlined in the Sustainable Design Assessment to the satisfaction of the Responsible Authority.*

---

**Acoustic Report**

5. **Concurrent with the endorsement of plans pursuant to Condition 1, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Acoustic Engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must:**
- a) **make recommendations to limit noise levels to and from the development to not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy.**
  - b) **show all details of changes required by Condition 1 of this Permit.**

**The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

**Car Park Management Plan Required**

6. **Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to the following:**
- a) **The number and location of car parking spaces allocated to each tenancy;**
  - b) **Any tandem spaces allocated to a single tenancy and for staff parking.**
  - c) **Allocation of at grade spaces to the pharmacy and café and visitors for short term parking.**
  - d) **The management of car parking spaces and security arrangements for occupants of the development, including details on how visitors are to access car parking;**
  - e) **The Car Parking Management Plan must specify a requirement of no paid parking arrangement within public parking areas;**
  - f) **Details of wayfinding, cleaning and security of end of trip bicycle facilities;**
  - g) **A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;**
  - h) **The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by this Permit; and,**
  - i) **Details regarding the management of loading and unloading of goods and materials.**

---

*The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

**Green Travel Plan**

7. *Before the development commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to the following:*
- a) *A description of the location in the context of alternative modes of transport;*
  - b) *Details of end of trip facilities provided;*
  - c) *Education and awareness initiatives and incentives for employees and customers to encourage more sustainable modes of travel to/from the site;*
  - d) *Management practices identifying sustainable transport alternatives;*
  - e) *Consider the provision of electric vehicle charging facilities;*
  - f) *Lobby areas of building to include real time information of train, tram and bus services;*
  - g) *Details of bicycle spaces for staff;*
  - h) *Employee packs (ie, myki cards for new workers);*
  - i) *An obligation to update the plan not less than every 5 years;*
  - j) *Details of when and how this travel plan will be available for new staff; and*
  - k) *Any other relevant matters.*

*The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

**Waste Management Plan**

8. *Concurrent with the endorsement of plans, a Waste Management Plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the Permit. The Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio dated April 2022 but modified to show:*
- a) *Amended hours of collection to be consistent with operating hours of the medical centre as required by Condition 14.*



---

*The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.*

**Tree Management Plan**

9. *Concurrent with the submission of amended plans required by Condition 1 and prior to any demolition or site works, a Tree Management Plan (TMP) must be submitted to and approved by the Responsible Authority. The TMP must be prepared by a suitably qualified and experienced Arborist and must set out recommendations and requirements in relation to the management and maintenance of Trees on the adjoining property at 196 Clayton Road and the Council street-tree in Whitburn Street.*

*The TMP must be approved by the Responsible Authority prior to the commencement of any works, including demolition and/or levelling of the site. The TMP must make specific recommendations in accordance with the Australian Standard AS4970: 2009 - Protection of Trees on Development Sites and detail the following to the satisfaction of the Responsible Authority ensuring the trees to be retained remain healthy and viable during construction:*

- a) *A Tree Protection Plan drawn to scale that shows:*
  - i. *Tree protection zones and structural root zones of all trees to be retained;*
  - ii. *All tree protection fenced off areas and areas where ground protection systems will be used;*
  - iii. *The type of footings within any tree protection zones;*
  - iv. *Any services to be located within the tree protection zone and a notation stating all services will either be located outside of the tree protection zone, bored under the tree protection zone, or installed using hydro excavation under the supervision of the Project Arborist; and*
  - v. *A notation to refer to the Tree Management Plan for specific detail on what actions are required within the tree protection zones.*
- b) *Details of how the root system of any tree to be retained will be managed. This must detail any initial non-destructive trenching and pruning of any roots required to be undertaken by the Project Arborist.*
- c) *Supervision timetable and certification of tree management activities required by the Project Arborist to the satisfaction of the responsible authority; and*
- d) *Any remedial pruning works required to be performed on tree canopies located within subject site. The pruning comments must reference Australian Standards 4373:2007, Pruning of Amenity Trees and a detailed photographic diagram specifying what pruning will occur.*

*The recommendations contained in the approved tree management plan must be implemented to the satisfaction of the Responsible Authority.*

---

**Construction Management Plan**

10. **Prior to the commencement of any site works (including demolition) a Construction Management Plan (CMP) must be submitted and approved by the Responsible Authority. No works are permitted to occur until the Plan has been endorsed by the Responsible Authority. Once endorsed, the CMP will form part of the permit and must be implemented to the satisfaction of the Responsible Authority. The CMP must address the following issues:**
- a) **Appropriate measures to control noise, dust and water and sediment laden runoff;**
  - b) **Appropriate measures for the prevention of silt or other pollutants from entering into the Council's underground drainage system or road network;**
  - c) **Appropriate measures relating to removal of hazardous or dangerous material from the site, where applicable;**
  - d) **A plan showing the location and design of a vehicle wash-down bay for construction vehicles on the site so as to prevent material leaving the site and being deposited on Council's road network;**
  - e) **A program for the cleaning and maintaining surrounding road surfaces;**
  - f) **A site plan showing the location of any site sheds, on-site amenities, building waste storage and the like, noting that Council does not support the siting of site sheds within Council's road reserves;**
  - g) **Measures to provide for public Safety and site security;**
  - h) **A plan showing the location of parking areas for construction and sub-contractors' vehicles on and surrounding the site, to ensure that vehicles associated with construction activity cause minimum disruption to surrounding premises. Any basement car park on the land must be made available for use by sub-constructors/tradespersons upon completion of such areas, without delay;**
  - i) **A Traffic Management Plan showing truck routes to and from the site;**
  - j) **A swept path analysis demonstrating the ability for trucks to enter and exit the site in a safe manner for the largest anticipated truck associated with the construction;**
  - k) **Appropriate measures to ensure that sub-contractors/tradespersons operating on the site are aware of and adhere to the requirements of the CMP;**
  - l) **The provision of contact details of key construction site staff; and**
  - m) **Include a requirement that except with the prior written consent of the Responsible Authority, a requirement that demolition, excavation or construction works must only be carried out during the following hours:**
    - **Monday to Friday (inclusive) – 7am to 6pm;**
    - **Saturday – 9am to 1pm;**
    - **Saturday – 1pm to 5pm (Only activities associated with the erection of buildings that does not exceed the EPA guidelines)**

- ***No works are permitted on Sundays or Public Holidays.***

***The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with by all contractors to the satisfaction of the Responsible Authority.***

***Landscaping prior to occupation***

11. ***Before the occupation of the buildings allowed by this permit, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained, to the satisfaction of the Responsible Authority.***

***No material near Council street-trees***

12. ***No building material, demolition material, excavation or earthworks shall be stored or stockpiled within the Council street-trees to be retained during the construction period of the development hereby permitted without the prior written consent of the Responsible Authority.***

***Privacy screens***

13. ***Prior to the occupancy of the development, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained ongoing to the satisfaction of the Responsible Authority. The use of obscure film fixed to transparent glass or windows is not considered to be 'obscure glazing' or an appropriate response to screen overlooking.***

***Hours of Operation***

14. ***The medical centre allowed under this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:***
  - ***Monday to Friday – 8am to 7pm***
  - ***Saturday 8am to 5pm.***
15. ***The food and drink premises (café) and shop (pharmacy) allowed by this permit may operate only during the following hours, except with the prior written consent of the Responsible Authority:***
  - ***Monday to Friday –8am to 7pm***
  - ***Saturday and Sunday 8am to 5pm.***

***Delivery Hours***

16. ***All deliveries must be conducted so as not to cause any unreasonable disturbance to nearby residential properties and may only take place during the following times:***
  - ***Monday to Friday – 8.00am -7.00pm***
  - ***Saturday: 8:00am to 1:00pm***

- *Sunday: No deliveries permitted, to the satisfaction of the Responsible Authority.*

#### *Loading and Unloading*

17. *All loading and unloading of vehicles must be carried out and be conducted in a manner that does not cause any interference with the circulation and parking of vehicles on the land, to the satisfaction of the Responsible Authority.*

#### *Amenity of Area*

18. *The amenity of the area must not be detrimentally affected by the use or development, through the:*

- *transport of materials, goods or commodities to or from the land;*
- *appearance of any building, works or materials;*
- *emission of noise; and*
- *storage of prescribed waste,*

*To the satisfaction of the Responsible Authority.*

#### *Ongoing Management of Noise Levels*

19. *Noise levels to and from the development must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4 noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, or any other equivalent or applicable State or relevant policy.*

#### *Infectious Wastes*

20. *Any prescribed waste (as defined by the EPA) which leaves the premises of generation must be disposed of in accordance with Environmental Protection Authority (EPA) requirements.*

#### *Car Parking and Driveways to be Constructed*

21. *Before the use starts or any building is occupied, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be:*

- *constructed to the satisfaction of the Responsible Authority;*
- *properly formed to such levels that they can be used in accordance with the plans;*
- *surfaced with an all-weather sealcoat to the satisfaction of the Responsible Authority;*
- *drained, maintained and not used for any other purpose to the satisfaction of the Responsible Authority;*
- *line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.*
- *Parking areas and access lanes must be kept available for these purposes at all times.*

---

*Use of car parking spaces and driveways*

22. *The areas set aside for car parking shown on the endorsed plans must be made available for use free of charge to employees and visitors at all times and must not be used for any other purpose.*
23. *Car spaces, access lanes and driveways shown on the endorsed plans must not be used for any other purpose, to the satisfaction of the Responsible Authority.*
24. *Parking areas and access lanes must be kept available at all times to the satisfaction of the Responsible Authority.*

*Lighting of car parks and accessways*

25. *Low intensity / baffled lighting must be provided to ensure that car park areas and pedestrian accessways are adequately illuminated without any unreasonable loss of amenity to the surrounding area, to the satisfaction of the Responsible Authority.*

*Ongoing Architect Involvement*

26. *As part of the ongoing consultant team, Katz Architects or an architectural firm which is acknowledged to have comparable skill and expertise to the satisfaction of the Responsible Authority must be engaged to:*
- i. oversee design and construction of the development; and*
  - ii. ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.*

*Plant/Equipment or features on roof*

27. *No equipment, services, architectural features or structures of any kind, including telecommunication facilities, other than those shown on the endorsed plans shall be permitted above the roof level of the building unless otherwise agreed to in writing by the Responsible Authority.*
28. *Motors for equipment and air-conditioning/heating units to be located to limit noise nuisance created to neighbours or insulated/sound proofed in accordance with any applicable EPA legislation.*

*Drainage and Stormwater*

29. *All stormwater collected on the site from all hard surface areas must not be allowed to flow uncontrolled into adjoining properties or the road reserve.*
30. *All stormwater collected on the site is to be detained on site to the predevelopment level of peak stormwater discharge. The design of any internal detention system is to be approved by Council's Engineering Department prior to drainage works commencing. Further information regarding the design of the on-site detention system is provided in the notes section of this Permit.*

---

### **Vehicle Crossovers**

- 31. All new vehicle crossings are to be no closer than 1.0 metre, measured at the kerb, to the edge of any power pole, drainage or service pit, or other services. Approval from affected service authorities is required as part of the vehicle crossing application process.**

### **Department of Transport and Planning (PPR-38890/22)**

- 32. Prior to the occupation of the development, all disused or redundant vehicle crossings must be removed, and the area reinstated to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 33. Prior to occupation of the development, the proposed crossover and driveway are to be constructed to the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.**
- 34. Vehicles must enter and exit the site in a forward direction at all times.**

### **Suburban Rail Loop Conditions (SCO15/2023/03)**

- 35. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before the development starts (including demolition), detailed design drawings must be submitted to the satisfaction of Suburban Rail Loop Authority. When approved, the plans will be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions, be generally in accordance with the plans by HATZ Architects date stamped 09 March 2023 with the cover sheet Revision P noted as Issued to Consultants but modified to show:**
- a) all excavation and footing details in accordance with the Engineering Report required by Condition 36 (Engineering Report) below**
  - b) excavation depths for all buildings, structures and retaining walls (including excavation required for services and utilities) to be shown at Australian Height Datum (AHD) on floor plans and elevations;**
  - c) foundations and footing designs of all buildings, structures and retaining walls, (including pile designs and associated loadings if applicable).**
- 36. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before the development starts (including demolition and excavation) and before the submission of plans under Condition 35 (Amended Plans), an Engineering Report from a suitably qualified engineer must be submitted to and approved by the Suburban Rail Loop Authority. The report must outline the design, management and construction techniques to be implemented prior, during and following construction to prevent any impact on Suburban Rail Loop East and associated infrastructure. Once approved, the Engineering Report will form part of the planning permit. All relevant structural and geotechnical issues must be considered and the report must demonstrate the following:**
- a) that the building footings will not compromise the structural integrity of, or damage or displace Suburban Rail Loop East and associated infrastructure. In this case, the following would be considered to satisfy this requirement:**



- 
- i. demonstrating that the increase in unfactored loading from the footings of the development at a level of RL 50 m AHD beneath the south-eastern corner of the building does not exceed 50 kPa would be considered to satisfy this requirement (unloading from basement excavations should not be included in this assessment);*
    - ii. that the development and construction methods will appropriately manage and mitigate any impacts from construction vibration on Suburban Rail Loop East and associated infrastructure.*
    - iii. that the development will be designed to accommodate the anticipated settlements up to 15 mm at the estimated footing level from tunnel excavation of Suburban Rail Loop East and associated infrastructure. These peak values are expected immediately above the tunnel alignment.*
  
  - 37. All design, excavation and construction must be undertaken in accordance with the Engineering Report approved under Condition 36 (Engineering Report) unless alterations or modifications are approved in writing by Suburban Rail Loop Authority.*
  
  - 38. Where any alterations or modifications to the plans endorsed under Condition 35 (Amended Plans) are not consistent with the Engineering Report prepared in accordance with Condition 36 (Engineering Report) (above), the prior written consent of Suburban Rail Loop Authority must be obtained.*
  
  - 39. Unless otherwise agreed in writing with Suburban Rail Loop Authority, before development starts (including demolition and bulk excavation), a Demolition and Construction Management Plan must be submitted to the satisfaction of Suburban Rail Loop Authority. The Demolition and Construction Management Plan must include details of (but not be limited to) management proposals to minimise impacts to Suburban Rail Loop East and associated infrastructure during demolition and construction, and must set out objectives and performance and monitoring requirements for:*
    - a) the demolition and construction program;*
    - b) any demolition, excavation or construction mitigation measures identified in the Engineering Report in accordance with Condition SC2 (Engineering Report).*
    - c) preferred arrangement for trucks delivering to the land, including delivery and unloading and expected duration and frequency;*
    - d) protection of infrastructure to ensure Suburban Rail Loop East and associated infrastructure is not damaged during demolition or construction;*
    - e) an outline of requests to occupy public footpaths or roads, Suburban Rail Loop Authority area land or anticipated disruptions to local services;*
    - f) management of drainage, effluent, material stockpiles, fencing and hoardings to ensure Suburban Rail Loop Authority area land or Suburban Rail Loop East and associated infrastructure is not used for, or impacted by these activities;*
    - g) measures to ensure that all works on the land will be carried out in accordance with the Demolition and Construction Management Plan.*

40. *All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan. The Demolition and Construction Management Plan must be implemented at no cost to Suburban Rail Loop Authority.*
41. *Unless otherwise agreed in writing with Suburban Rail Loop Authority, the permit holder must ensure that no Suburban Rail Loop East infrastructure, assets or services are damaged or altered as a result of the development. Any damage must be rectified to the satisfaction of the Suburban Rail Loop Authority, at the full cost of the permit holder.*
42. *Any boreholes, geotechnical investigations or intrusive ground investigations must be first approved in writing by Suburban Rail Loop Authority. Any submission to Suburban Rail Loop Authority for approval must include, to the satisfaction of Suburban Rail Loop Authority, details of their location and depth, and the methods and management processes that will be adopted to avoid impacts to the Suburban Rail Loop structures.*
43. *All boreholes must be backfilled to the satisfaction of Suburban Rail Loop Authority using a grout bentonite mix (3% bentonite) or satisfactory equivalent and in accordance with Southern Rural Water (SRW) licence conditions.*
44. *Unless otherwise agreed in writing, the permit holder must give Suburban Rail Loop Authority at least 10 business days' notice of the expected date of commencement.*

#### ***Completion of Buildings and Works***

45. *Once the development has started it must be continued and completed, to the satisfaction of the Responsible Authority.*

#### ***Permit Expiry***

46. *This Permit will expire in accordance with section 68 of the Planning and Environment Act 1987, if one of the following circumstances applies:*
  - a) *The development has not started before two (2) years from the date of issue.*
  - b) *The development is not completed before four (4) years from the date of issue.*
  - c) *The use is not started before 4 years of this permit.*

*In accordance with Section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or:*

- (i) within six (6) months afterwards if the development has not commenced; or*
  - (ii) within twelve (12) months afterwards if the development has not been completed.*
- Council and the Victorian Civil and Administrative Tribunal are unable to approve requests outside of the relevant time frame.*



---

**NOTES**

- A. This is not a Building Permit. Building approval must be obtained prior to the commencement of the above approved works.**
- B. One copy of the plans for the drainage and civil works must be submitted to and approved by the Engineering Department prior to the commencement of works. The plans are to show sufficient information to determine that the drainage works will meet all drainage conditions of the Permit.**
- C. The nominated point of stormwater connection for the site is to the south-west corner of the property where the entire site's stormwater must be collected and drained to the Council pit.**
- D. Any works within the road reserve must ensure the footpath and nature strip are to be reinstated to Council standards.**
- E. Any request for a variation of this Permit shall be lodged with the relevant fee as determined under the Planning & Environment (Fees) Regulations 2016.**
- F. Any request for time extension of this Permit shall be lodged with the relevant administration fee at the time the request is made.**
- G. Prior to removal of the street tree, Council's Horticultural Department must be contacted.**

**Department of Transport Note**

- H. The proposed development requires works within the road reserve. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DoT (Roads) prior to commencing any works.**

**Suburban Rail loop Authority Notes**

- I. Please contact Suburban Rail Loop Authority on 1800 105 105 or [infrastructure.protection@srla.vic.gov.au](mailto:infrastructure.protection@srla.vic.gov.au) when 'as-constructed' details of the building's footings (and if piled, the piling records) are available, to ensure they are considered as part of the detailed design of SRL East.**
- J. Should the development be constructed at the same time as SRL East (in this area), communication between the permit holder and Suburban Rail Loop Authority is critical to coordinate the logistics of both projects. Please contact Suburban Rail Loop Authority on 1800 105 105 or [infrastructure.protection@srla.vic.gov.au](mailto:infrastructure.protection@srla.vic.gov.au).**

**CARRIED**

**1.4 52 GOLF ROAD (1 BERYL AVENUE) OAKLEIGH SOUTH - DEVELOPMENT OF AN AGED CARE FACILITIES & RETIREMENT VILLAGE**

Moved Cr Little

Seconded Cr Klisaris

*That Council:*

1. *Resolves to issue advice to the applicant that the submitted Development Plan for 52 Golf Road, Oakleigh South is satisfactory and it is recommended that it be approved and endorsed by Council subject to the following:*
  - a) *Provision of a Tree Protection Plan to manage protection of all the trees to be retained during construction works.*

**CARRIED**

**1.5 20 KIONGA STREET, CLAYTON - EXTENSION OF TIME - DEVELOPMENT OF THREE (3) DOUBLE STOREY DWELLINGS (TPA/44732)**

Moved Cr Klisaris

Seconded Cr Little

*That Council resolves to issue an extension of time to Planning Permit No. TPA/44732 for the construction of three (3) double storey dwellings at 20 Kionga Street, Clayton pursuant to the provisions of Section 69(2) of the Planning and Environment Act 1987:*

1. *That in accordance with Section 69(2) of the Planning and Environment Act 1987, the time for the commencement of the development be extended for a further 2 years. Accordingly, the development must be commenced by 29 April 2025 and completed by 29 April 2027.*
2. *That the applicant be advised that a further request for extension of time may not be granted given the time that has elapsed since the original permit was granted.*

**CARRIED**

**1.6 DRAFT MONASH AFFORDABLE HOUSING STRATEGY**

Moved Cr Paterson

Seconded Cr James

*That Council:*

1. *Notes that content and recommendations of the Draft Monash Affordable Housing Strategy- June 2023.*
2. *Releases the Draft Monash Affordable Housing Strategy- June 2023 for community consultation in accordance with the consultation program set out in this Report.*
3. *Notes that a further report will be presented to Council upon the completion of the community consultation reporting on the outcomes of the consultation and to consider any proposed way forward.*

CARRIED

**1.7 FOOTPATH ENHANCEMENTS FOR OUTDOOR DINING IN PORTMAN STREET, OAKLEIGH**

Moved Cr Luo

Seconded Cr Paterson

*That Council:*

1. *Receives and notes the community feedback in response to the community consultation process on the Footpath Enhancements for Outdoor Dining In Portman Street, Oakleigh (Project).*
2. *Notes the Officer's response to submissions as outlined in this report and in Attachment 1 (Consultation Report).*
3. *Notes the results of the online survey which found that most respondents, including both traders (86% of submissions from traders) and general public (66% of submissions from local residents and visitors), did not support the schematic design proposals for the Project. Of those in favour, a higher proportion were from the general public (24% of submissions from local residents and visitors) than traders (8% of submissions from traders).*
4. *Resolves that the Project does not proceed, and that the status quo remain in place, having regard in particular to the significant trader opposition, issues regarding loading zones, the predominance of non-hospitality businesses, and the clear message that the businesses are not at this time ready for transformative public realm change.*

**AMENDMENT MOTION**

Moved Cr James

Seconded Cr Fergeus

*That the following points be added to the Officer's recommendation:*

5. *Notes that this project forms part of the eastern section of the Oakleigh Public Transport Precinct Proposal.*
6. *Reallocates funding set aside in the budget for public realm works in Portman Street to the Oakleigh Public Transport Precinct Proposal, with any expenditure to be approved by Council.*

CARRIED

---

## 2.1 2022/23 MONASH QUICK RESPONSE GRANTS PROGRAM RECIPIENTS

Moved Cr Samardzija (Mayor)

Seconded Cr McCluskey

*That Council notes the successful applications that have been funded through the Quick Response Grant program during the period 4 – 12 May 2023 to a total of \$8,916.55.*

**CARRIED**

## 4.1 MONASH COMMUNITY GRANTS PROGRAM 2023/24

Moved Cr Little

Seconded Cr Klisaris

*That Council:*

- 1. Approves access to J Blackwood and Son Pty Ltd, Bunnings Group Limited and Sydney Tools Pty Ltd under Procurement Australia's Contract 2504/1032 Provision of Hardware, Electrical, Plumbing and Compressed Gases, Council Contract No. 2022071, for a schedule of rates-based contract with an estimated annual contract value of \$265,000 and an estimated total contract value of \$1,015,833 inclusive of all available extension options;*
- 2. Authorises the Chief Executive Officer or her delegate to execute the contract agreement; and*
- 3. Notes that the contract initial term ends on 30 April 2025 and the contract has two (2) separate extension options of one (1) year each and authorises the Chief Executive Officer to approve extension options subject to Procurement Australia extension approval and satisfactory performance for the City of Monash.*

*\*all dollar figures are GST Inclusive unless stated otherwise.*

**CARRIED**

## 4.2 TENDER FOR SUPPLY OF MICROSOFT PRODUCTS

Moved Cr McCluskey

Seconded Cr Luo

*That Council:*

- 1. Approves access to the Victorian Government Department of Government Services State Purchasing Contract (SPC) DPC-ICT-01-2020, Microsoft Enterprise Agreement (EA) Contract for Supply of Microsoft Products, under Council Contract No. 20223177 and awards the quotation from Data#3 Pty Ltd, for a schedule of rates-based contract with an estimated contract value of \$3,781,033, for the two (2) years and nine (9) months (2.9 years) contract term;*

---

*(comprised of an estimated \$3,437,303 for Microsoft Software Products and an estimated \$343,730 for contingency);*

2. *Authorises the Chief Executive Officer to execute the contract; and*
3. *Notes that the contract term will commence on the 1st of July 2023 and concludes on the 30th of March 2026, and the contract also has no extension options.*

*\*all dollar figures are GST Inclusive unless stated otherwise.*

**CARRIED**

#### **4.3 GARDINERS CREEK REGIONAL COLLABORATION FUNDING REQUEST**

Moved Cr Fergeus

Seconded Cr Little

*That Council:*

1. *Acknowledges the strategic role for Council as member of the Gardiners Creek Regional Collaboration in the improvement of the local amenity of the Gardiners Creek Catchment for the benefit of community and the environment.*
2. *Notes the requirement for the continuation of a Lead role to facilitate and coordinate functions of the Collaboration over the next two years.*
3. *Authorises the Manager Sustainable Monash to contribute to the host Council up to \$20,000 in each of the 2023-24 and 2024-25 years towards the costs of the Lead role and minor projects as appropriate.*

**CARRIED**

#### **4.4 CLAYTON SOUTH REGIONAL LANDFILL USER GROUP BUDGET 2023/24**

Moved Cr McCluskey

Seconded Cr Klisaris

*That Council, as a member of the Clayton South Regional User Group, notes the Clayton South Regional Landfill User Groups Management Committee's recommended Management, Rehabilitation and Monitoring works Budget for 2023/24 year and the future projected cash flow.*

**CARRIED**

**4.5 2019084 ANNUAL SUPPLY CONCRETE WORKS – VARIATIONS EXCEEDING OFFICERS DELEGATION – NON-EXCEPTIONAL CIRCUMSTANCES**

Moved Cr McCluskey

Seconded Cr Luo

***That Council:***

- 1. Approves a variation to Contract 2019084 Annual Supply Concrete Works, in the amount of \$8,990,851 for the second extension option ending 31 March 2024 and a further \$7,000,000 for the third and final contract extension option ending 31 March 2026;***
- 2. Notes that the annual expenditure will increase from \$14M to \$22,990,851 for the second extension term ending 31 March 2024 and from \$14M to \$21M for the third and final extension option concluding 31 March 2026;***
- 3. Notes that the revised estimated contract value inclusive of all extension options is \$64,990,851; and***
- 4. Notes that there are no financial implications increasing the value of this contract as the renewal budgets are set and approved as part of the Annual Budget Approval process.***

*(\*Please note that all dollar figures are GST Inclusive unless stated otherwise)*

**CARRIED**

**4.6 POLICY REGISTER REVIEW 2023**

Moved Cr Fergus

Seconded Cr Little

***That Council:***

- Resolves to revoke the following documents that are out of date and no longer required:***
  - 1. Active Reserves Capital Works Policy***
  - 2. Building Policy – Enforcement of the Building Act 1993 (Approval date 1 June 2006).***
  - 3. Building Policy (Approval date 1 December 2007)***
  - 4. Community Organisations Loan Guarantor Policy***
  - 5. Development Improvements to Council Owned Facilities and Reserves By Resident Sports Clubs-Policy Review***
- Resolves to revoke the following design guidelines that are out of date and no longer required:***
  - 1. Brothels in Monash Policy***

- 
2. *Car Parking in Monash*
  3. *Child Care Centres*
  4. *Cultural Heritage Management Plan (CHMP)*
  5. *Guidelines for Multi-storey Development of three storeys and above in the City of Monash.*
  6. *Land Subject to Flooding – Overlay*
  7. *Medical and Veterinary Centres*
  8. *Neighbourhood Description guideline*
  9. *Non-residential uses in residential zones*
  10. *Place of Assembly and Worship*
  11. *Special Building Overlay guideline*
- *Notes that design guidelines will not be adopted by Council in the future as they are procedural guidelines.*
  - *Resolves that the following documents be re-classified as procedure documents and released to Council Officers for management and do not require any future formal adoption at a meeting of Council:*
    1. *Electricity Supply Meter Boxes*
    2. *Home Based Business Monash*
    3. *Urban Design Guidelines – Monash Technology Precinct (Monash Specialised Activity Centre)*
    4. *Student Accommodation*
    5. *Multi-Unit and Commercial Developments WMP – Guide for Applicants*

**CARRIED**

**4.7 RECORD OF COMMITTEE MEETINGS AND INFORMAL COUNCILLORS' MEETINGS:  
9 FEBRUARY 2023, 30 MARCH 2023 AND 6–9 JUNE 2023**

Moved Cr Samardzija (Mayor)

Seconded Cr McCluskey

*That Council notes the record of Committee Meetings and Informal Councillors' Meetings.*

**CARRIED**

---

**6.1 COUNCIL'S DISCRETIONARY EXPENDITURE FUND APPLICATIONS (CNCL21)**

Moved Cr Samardzija (Mayor)                      Seconded Cr McCluskey

*That Council resolves to approve the following applications for funding from the Council's Discretionary Expenditure Fund:*

<i>APPLICANT</i>	<i>PURPOSE</i>	<i>AMOUNT RECOMMENDED</i>
<i>Clayton Seniors Snookers Group &amp; Social Club</i>	<i>The club is seeking financial assistance to cover the costs of hiring the Clayton Senior Citizens' Hall and entertainment for their weekly meetings.</i>	<i>\$1000.00</i>
<i>Waverley Garden Club – Bonsai Group</i>	<i>The group is seeking financial assistance for the hire of the Mount Waverley Community Centre for their annual Bonsai Show in August 2023 &amp; monthly meetings.</i>	<i>\$1000.00</i>

**CARRIED**

**7. COMMITTEE REPORTS**

Nil.

**8. URGENT BUSINESS**

Nil.

**9. CONFIDENTIAL BUSINESS**

Moved Cr Luo    Seconded Cr McCluskey

*That Council, having reviewed and considered the certificates in relation to the matters listed for confidential business, and being satisfied that it is appropriate and necessary to consider these matters at a closed meeting, resolves to:*

*Close the meeting to the public in accordance with section 66(2) of the Local Government Act 2020 for the reasons specified in the certificates.*

**CARRIED**

---

The Council meeting was closed to the public at 7.45pm and re-opened to the public at 7.55pm.



---

**10. PERSONAL EXPLANATIONS**

Nil.

**11. COUNCILLORS' REPORTS**

Cr Little had the privilege of opening the film 'Happy Sad Man' about two weeks ago which was an extraordinary film picturing the lives of four people suffering from mental illness. He commended the officers involved for a well organised event enjoyed by the community.

The Mayor declared the meeting closed at 8.05pm.

**MAYOR:** 

.....  
**DATED 25 JULY 2023**